

**AN ORDINANCE TO PERMIT IMPOSITION OF DEBT
SERVICE SURCHARGE ON FORMER CUSTOMERS
OF OLD STATE UTILITY**

WHEREAS, the City of Evansville, Indiana (the "City"), has heretofore constructed and has in operation a sewage works pursuant to IC 36-9-23 *et seq.*, for the purpose of collecting and disposing of, in a sanitary manner, the sewage of the residents and other non-resident users of the sewer utility of the City; and

WHEREAS, the Common Council of the City (the "Council") has previously by ordinance approved the acquisition of certain assets from Old State Utility ("OSU") by the Evansville Water and Sewer Utility ("EWSU"), including the right to provide sewer service to properties previously served by OSU (the "OSU Properties"), a list of which are attached hereto as Exhibit A and incorporated herein; and

WHEREAS, the Indiana Utility Regulatory Commission, in Cause No. 44485 dated July 23, 2014, approved the acquisition by sale and transfer of OSU's sewer utility assets to EWSU in accordance with the terms of an asset purchase agreement executed between OSU and EWSU; and

WHEREAS, EWSU purchased substantially all of the assets of OSU, effective as of November 30, 2014;

WHEREAS, at the time of the approval of the acquisition of OSU's assets, EWSU informed the Council that a surcharge would be required to fund certain repairs to the OSU Properties; however, the amount of such surcharge was not known at such time;

WHEREAS, certain repairs are required with respect to the OSU Properties, with the estimated total repair costs being \$772,000 for construction costs and \$228,000 for non-construction costs, totaling \$1,000,000;

WHEREAS, such repair costs shall be initially funded through the EWSU Sewage Works Revenue Funds, Series 2014 C, issued by EWSU on August 21, 2014;

WHEREAS, such repair costs and related financing and debt service costs (the "Costs") shall be reimbursed to the City through a monthly debt service surcharge (the "Debt Service Surcharge") in the amount of \$38.95 to be imposed upon each of the OSU Properties' owners as of the time such surcharge is due and payable until such costs are paid in full;

WHEREAS, as a result of the imposition of the Debt Service Surcharge, the owners of the OSU Properties will be paying more than the rates applicable to owners of properties within the City;

FILED

FEB 27 2015

Jana Windner
CITY CLERK

WHEREAS, the EWSU intends to seek the approval of the Debt Service Surcharge from the Indiana Utility Regulatory Commission ("IURC") pursuant to I.C. 8-1.5-3-8.3 (e), (f), (g) and (h), because this additional charge is being imposed on properties located outside the corporate boundaries of the City and such amount could be construed as causing the rates and charges applicable to such properties to exceed the rates charged on properties within the City by more than 15%;

WHEREAS, the imposition of the Debt Service Surcharge shall be contingent upon receipt of the approval therefore by the IURC;

WHEREAS, the Clerk of the City has given notice of the public hearing on the Debt Service Surcharge as provided for in the Act; and

WHEREAS, the public hearing was held before this Council on the date hereof, at which time testimony from interested persons was received, after introduction of this ordinance and as provided for in the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA:

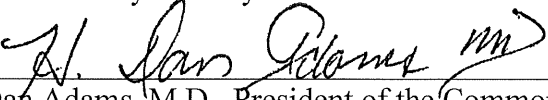
SECTION 1. The Council hereby finds and determines that, EWSU is hereby authorized to impose the Debt Service Surcharge on services provided to each of the OSU Properties until EWSU has been fully reimbursed for the Costs.

SECTION 2. The Council finds and determines that the proposed monthly Debt Service Surcharges in the amount of \$38.95 are just and equitable and therefore should be adopted.

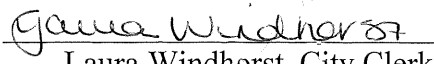
SECTION 3. The Council finds and determines that the proposed Debt Service Surcharge should be adopted and upon receipt of approval from the IURC, imposed upon the OSU Properties until such time as the Costs, as set forth above, have been reimbursed in full.

SECTION 4. This Ordinance shall be in effect on and after its date of passage.

Passed and adopted by the Common Council of the City of Evansville on the 30 day of March, 2015, and on said day signed by the President of the Common Council and attested by the City Clerk.



H. Dan Adams, M.D., President of the Common Council,
City of Evansville, Indiana

ATTEST: 

Laura Windhorst, City Clerk
City of Evansville, Indiana

Presented by me, the undersigned City Clerk of the City of Evansville, Indiana, to the Mayor of said city, this 31 day of March, 2015, at 4 o'clock P.m. for his consideration and action thereon.

Laura Windhorst
Laura Windhorst, City Clerk
City of Evansville, Indiana

Having examined the foregoing ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance and return the same to the City Clerk this 1st day of April, 2015, at 8:30 o'clock A.m.

Lloyd Winnecke
Lloyd Winnecke, Mayor
City of Evansville, Indiana

Ted C. Ziemer, Jr.
APPROVED AS TO FORM
BY TED C. ZIEMER, JR., CORPORATE COUNSEL

EXHIBIT A

Location	City	State	Zip
110 LADONNA BLVD	EVANSVILLE	IN	47711-1860
113 LADONNA BLVD	EVANSVILLE	IN	47711-1859
116 LADONNA BLVD	EVANSVILLE	IN	47711-1860
119 LADONNA BLVD	EVANSVILLE	IN	47711-1859
201 LADONNA BLVD	EVANSVILLE	IN	47711-1861
207 LADONNA BLVD	EVANSVILLE	IN	47711-1861
212 LADONNA BLVD	EVANSVILLE	IN	47711-1862
223 LADONNA BLVD	EVANSVILLE	IN	47711-1861
225 LADONNA BLVD	EVANSVILLE	IN	47711-1861
230 LADONNA BLVD	EVANSVILLE	IN	47711-1862
300 LADONNA BLVD	EVANSVILLE	IN	47711-1864
301 LADONNA BLVD	EVANSVILLE	IN	47711-1863
306 LADONNA BLVD	EVANSVILLE	IN	47711-1864
307 LADONNA BLVD	EVANSVILLE	IN	47711-1863
313 LADONNA BLVD	EVANSVILLE	IN	47711-1863
320 LADONNA BLVD	EVANSVILLE	IN	47711-1864
6400 ALAMEDA DR	EVANSVILLE	IN	47712-7624
6406 ALAMEDA DR	EVANSVILLE	IN	47610-9355
6412 ALAMEDA DR	EVANSVILLE	IN	47711-1858
6413 ALAMEDA DR	EVANSVILLE	IN	47711-1857
6424 ALAMEDA DR	EVANSVILLE	IN	47711-1858
6305 OLD STATE RD	EVANSVILLE	IN	47710-4635
6313 OLD STATE RD	EVANSVILLE	IN	47710-4635
6405 OLD STATE RD	EVANSVILLE	IN	47710-4637
6409 OLD STATE RD	EVANSVILLE	IN	47710-4637
6417 OLD STATE RD	EVANSVILLE	IN	47710-4637
6501 OLD STATE RD	EVANSVILLE	IN	47710-4639
6513 OLD STATE RD	EVANSVILLE	IN	47710-4639
6525 OLD STATE RD	EVANSVILLE	IN	47710-4639
6601 OLD STATE RD	EVANSVILLE	IN	47710-4641
6603 OLD STATE RD	EVANSVILLE	IN	47710-4641
6621 OLD STATE RD	EVANSVILLE	IN	47710-4641
6673 OLD STATE RD	EVANSVILLE	IN	47710-4641
6721 OLD STATE RD	EVANSVILLE	IN	47710-4643
6731 OLD STATE RD	EVANSVILLE	IN	47710-4643
6801 OLD STATE RD	EVANSVILLE	IN	47710-4645
6821 OLD STATE RD	EVANSVILLE	IN	47710-4645
6901 OLD STATE RD	EVANSVILLE	IN	47710-4647
6905 OLD STATE RD	EVANSVILLE	IN	47710-4647
6911 OLD STATE RD	EVANSVILLE	IN	47710-4647

7009 OLD STATE RD	EVANSVILLE	IN	47710-4649
7111 OLD STATE RD	EVANSVILLE	IN	47710-4651
7119 OLD STATE RD	EVANSVILLE	IN	47710-4651
7203 OLD STATE RD	EVANSVILLE	IN	47639-7943
7225 OLD STATE RD	EVANSVILLE	IN	47710-4611
7249 OLD STATE RD	EVANSVILLE	IN	47710-4653
101 KIRK DR	EVANSVILLE	IN	47711-1689
112 KIRK DR	EVANSVILLE	IN	47711-1690
121 KIRK DR	EVANSVILLE	IN	47711-1689
122 KIRK DR	EVANSVILLE	IN	47711-1690
5900 FELTMAN DR	EVANSVILLE	IN	47711-1806
6000 FELTMAN DR	EVANSVILLE	IN	47711-1808
6010 FELTMAN DR	EVANSVILLE	IN	47711-1808
6016 FELTMAN DR	EVANSVILLE	IN	47711-3687
6017 FELTMAN DR	EVANSVILLE	IN	47711-1807
6020 FELTMAN DR	EVANSVILLE	IN	47711-1808
6026 FELTMAN DR	EVANSVILLE	IN	47711-1808
6101 FELTMAN DR	EVANSVILLE	IN	47711-1809
112 PETERSBURG RD	EVANSVILLE	IN	47724-7014
116 PETERSBURG RD	EVANSVILLE	IN	47711-1814
207 LORSHELNA DR	EVANSVILLE	IN	47711-1671
212 LORSHELNA DR	EVANSVILLE	IN	47711-1672
213 LORSHELNA DR	EVANSVILLE	IN	33850-3516
201 LORSHELNA DR	EVANSVILLE	IN	47711-1671
200 LORSHELNA DR	EVANSVILLE	IN	47711-1672
215 LORSHELNA DR	EVANSVILLE	IN	47711-1671
6602 PINEHURST DR	EVANSVILLE	IN	98332-8469
6609 PINEHURST DR	EVANSVILLE	IN	47711-1649
6612 PINEHURST DR	EVANSVILLE	IN	47711-1658
6615 PINEHURST DR	EVANSVILLE	IN	47711-1649
6618 PINEHURST DR	EVANSVILLE	IN	47711-1658
6700 PINEHURST DR	EVANSVILLE	IN	47714-2323
6703 PINEHURST DR	EVANSVILLE	IN	47711-1647
6705 PINEHURST DR	EVANSVILLE	IN	47711-1647
6708 PINEHURST DR	EVANSVILLE	IN	47711-1648
6713 PINEHURST DR	EVANSVILLE	IN	47711-1647
6718 PINEHURST DR	EVANSVILLE	IN	47711-1648
6719 PINEHURST DR	EVANSVILLE	IN	47711-1647
6800 PINEHURST DR	EVANSVILLE	IN	47711-1646
6801 PINEHURST DR	EVANSVILLE	IN	47711-1645
6810 PINEHURST DR	EVANSVILLE	IN	47711-1646
6811 PINEHURST DR	EVANSVILLE	IN	47711-1645
6818 PINEHURST DR	EVANSVILLE	IN	47711-1646

6819 PINEHURST DR	EVANSVILLE	IN	47711-1645
6901 PINEHURST DR	EVANSVILLE	IN	47711-1643
6902 PINEHURST DR	EVANSVILLE	IN	47725-8032
6911 PINEHURST DR	EVANSVILLE	IN	47711-1643
6912 PINEHURST DR	EVANSVILLE	IN	47711-1644
6919 PINEHURST DR	EVANSVILLE	IN	47711-1643
6920 PINEHURST DR	EVANSVILLE	IN	47711-1644
7000 PINEHURST DR	EVANSVILLE	IN	47711-1642
7001 PINEHURST DR	EVANSVILLE	IN	47711-1641
7010 PINEHURST DR	EVANSVILLE	IN	47711-1642
7015 PINEHURST DR	EVANSVILLE	IN	47711-1641
7018 PINEHURST DR	EVANSVILLE	IN	47711-1642
7101 PINEHURST DR	EVANSVILLE	IN	47711-1633
7103 PINEHURST DR	EVANSVILLE	IN	47711-1633
7105 PINEHURST DR	EVANSVILLE	IN	47711-1633
7107 PINEHURST DR	EVANSVILLE	IN	47711-1633
7115 PINEHURST DR	EVANSVILLE	IN	47711-1633
7117 PINEHURST DR	EVANSVILLE	IN	47711-1633
7125 PINEHURST DR	EVANSVILLE	IN	47711-1633
7127 PINEHURST DR	EVANSVILLE	IN	47711-1633
7200 PINEHURST DR	EVANSVILLE	IN	47711-1650
7231 PINEHURST DR	EVANSVILLE	IN	47711-1651
5000 PINEHURST DR	EVANSVILLE	IN	47711-1612
6634 BRIAR CT	EVANSVILLE	IN	47711-1606
6664 BRIAR CT	EVANSVILLE	IN	47711-1606
6694 BRIAR CT	EVANSVILLE	IN	47711-1606
6724 BRIAR CT	EVANSVILLE	IN	47711-1608
6756 BRIAR CT	EVANSVILLE	IN	47711-1608
6786 BRIAR CT	EVANSVILLE	IN	47711-1608
6816 BRIAR CT	EVANSVILLE	IN	47711-1610
6850 BRIAR CT	EVANSVILLE	IN	47711-1610
6880 BRIAR CT	EVANSVILLE	IN	47711-1610
6908 BRIAR CT	EVANSVILLE	IN	47711-1654
6940 BRIAR CT	EVANSVILLE	IN	47711-1654
6970 BRIAR CT	EVANSVILLE	IN	47711-1654
6994 BRIAR CT	EVANSVILLE	IN	47711-1654
7024 BRIAR CT	EVANSVILLE	IN	47711-1652
200 BOB COURT DR	EVANSVILLE	IN	47711-1602
206 BOB COURT DR	EVANSVILLE	IN	47711-1602
207 BOB COURT DR	EVANSVILLE	IN	47711-1601
212 BOB COURT DR	EVANSVILLE	IN	47711-1602
213 BOB COURT DR	EVANSVILLE	IN	47711-1601
218 BOB COURT DR	EVANSVILLE	IN	47711-1602

224 BOB COURT DR	EVANSVILLE	IN	70122-3729
302 BOB COURT DR	EVANSVILLE	IN	47711-1604
304 BOB COURT DR	EVANSVILLE	IN	47711-1604
306 BOB COURT DR	EVANSVILLE	IN	47711-1604
308 BOB COURT DR	EVANSVILLE	IN	47711-1604
310 BOB COURT DR	EVANSVILLE	IN	47711-1604
312 BOB COURT DR	EVANSVILLE	IN	47711-1604
314 BOB COURT DR	EVANSVILLE	IN	47711-1604
402 BOB COURT DR	EVANSVILLE	IN	47711-1656
404 BOB COURT DR	EVANSVILLE	IN	47711-1656
406 BOB COURT DR	EVANSVILLE	IN	47711-1656
408 BOB COURT DR	EVANSVILLE	IN	47711-1656
7019 OLD STATE RD	EVANSVILLE	IN	47710-4649
41 W CAMP GROUND RD	EVANSVILLE	IN	47720-1816
20 E CAMP GROUND RD	EVANSVILLE	IN	47715
7210 PINEHURST DR	EVANSVILLE	IN	47711-1650
206 LORSHELNA DR	EVANSVILLE	IN	47711-4615
7145 PINEHURST DR	EVANSVILLE	IN	47711-1633
7147 PINEHURST DR	EVANSVILLE	IN	47711-1633
7217 PINEHURST DR	EVANSVILLE	IN	47720-7097